

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

BERNEL WILKIE MORGAN,

Defendant and Appellant.

B266281

(Los Angeles County  
Super. Ct. No. YA022589)

THE COURT:\*

Defendant and appellant Bernel Wilkie Morgan appeals from the trial court's denial of his petition for recall and resentencing under Proposition 47.

On April 28, 1995, a jury convicted appellant of possession for sale of cocaine base (Health & Saf. Code, § 11351.5) (count 1), and possession of a controlled substance with a firearm (Health & Saf. Code, § 11370.1, subd. (a)) (count 2). Appellant was sentenced to 25 years to life pursuant to the "Three Strikes" law (Pen. Code, §§ 667, subds. (b)–(i), 1170.12, subds. (a)–d)).

On June 19, 2015, appellant filed a petition for recall and resentencing of count 1, and attached a letter to his petition. The trial court denied the petition on the ground that

---

\* BOREN, P. J., ASHMANN-GERST, J., HOFFSTADT, J.

a conviction under Health and Safety Code section 11351.5 is not an offense eligible for resentencing under Proposition 47.

We appointed counsel to represent appellant on this appeal. After examination of the record, counsel filed an “Opening Brief” in which no arguable issues were raised. On March 2, 2016, we advised appellant that he had 30 days within which to personally submit any contentions or issues that he wished us to consider. No response has been received to date.

The trial court’s ruling is correct. Under Proposition 47, only three drug offenses are eligible for resentencing. A conviction under Health and Safety Code section 11351.5 is not one of the eligible offenses. (Pen. Code, § 1170.18, subd. (a).)

We are satisfied that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The order denying the petition for recall and resentencing is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS.